

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MARCUS FULTON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:16 CV 313 RWS
)	
COMMUNICATIONS UNLIMITED,)	
INC, et al.,)	
)	
Defendants.)	

ORDER

Defendants seek to dismiss the claims of individuals who signed notices of consent to join a Fair Labor Standards Act (FLSA) collective action. The plaintiff, Mr. Fulton, never moved for certification of an FLSA collective action in violation of the scheduling order. As a result, on August 2, 2017, I dismissed Mr. Fulton's class action claims. I also ordered parties to state, no later than August 23, 2017, what should happen to the claims of individuals who had sought to "opt-in" to an FLSA collective action. As defendants correctly state in their response, opt-in individuals are not parties to an FLSA action if their FLSA collective action was not certified, conditionally or otherwise.

As a result,

IT IS HEREBY ORDERED that the claims of individuals who signed notices of consent to join this action are **DISMISSED** without prejudice.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 29th day of August, 2017.